

TEXAS TRANSPORTATION COMMISSION

Various Counties

MINUTE ORDER

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Various Districts

Transportation Code, §201.206, authorizes the Texas Department of Transportation (department) to accept a donation in any form, including realty, personalty, money, materials, and services, for the purpose of carrying out its functions and duties. Government Code, Chapter 575, requires the governing board of a state agency to acknowledge the acceptance of a donation valued at \$500 or more by majority vote at an open meeting, not later than the 90th day after the date the donation is accepted. It also prohibits a state agency from accepting a donation from a person who is a party to a contested case before the agency until the 30th day after the date the decision in the case becomes final.

The Texas Transportation Commission (commission) has adopted 43 TAC §§1.500-1.506, which relate to the department's acceptance of donations. Section 1.503 authorizes the executive director to approve acceptance of donations to the department and requires that donations valued at \$500 or more must be acknowledged by order of the commission not later than the 90th day after the date the donation is accepted by the department. It further prohibits acceptance of a gift or donation when the donor is subject to department regulation or oversight or when the donor is interested in or likely to become interested in any contract, purchase, payment, or claim with or against the department, except as provided by that section. It also provides that the executive director may approve the acceptance of a donation, notwithstanding the foregoing proscriptions in the rules, if the executive director determines that acceptance would provide a significant public benefit and would not influence or reasonably appear to influence the department in the performance of its duties.

Transportation Code, §223.049 authorizes the department to contract with an owner of land adjacent to a highway that is part of the state highway system to construct an improvement on the highway right of way that is directly related to improving access to or from the owner's land. Exhibit A lists donations resulting from a contract executed by the department under Transportation Code, §223.049 and other donations accepted under Transportation Code, §201.206.

The commission established the Sponsorship Acknowledgement Program under 43 TAC Chapter 12, Subchapter K. The program, which is authorized by the Federal Highway Administration in FHWA Order 5610.1A, allows the department to place signs acknowledging donations made to the department to fund transportation related services. Exhibit B lists donations made to the department under the Sponsorship Acknowledgement Program.

The executive director has determined that the donations identified in the attached exhibits comply with the applicable provisions of 43 TAC §§1.500-1.506, 43 TAC §12.353, Government Code, Chapter 575 and Transportation Code, §201.206, §223.049 and §224.001, and has approved acceptance of those donations. All required donation agreements have been executed under 43 TAC §1.504 and §1.506, as applicable.

IT IS THEREFORE ORDERED by the commission that it acknowledges the acceptance of the donations identified in the attached Exhibits A and B.

Submitted and reviewed by:

Recommended by:

DocuSigned by:

Kenneth Stewart

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Director, Contract Services Division

DocuSigned by:

James M. Bass

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Executive Director

115895 NOV 12 2020

Minute
Number

Date
Passed

**EXHIBIT A
DONATIONS
November 12, 2020**

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	DOLLAR AMOUNT	DATE APPROVED
1.	Bingham Construction, Inc.	Austin District	Bastrop and Travis	The donor is donating the design and construction of a left turn deceleration lane on SH 71 from 1.15 miles east of Travis/Bastrop County line to 1.35 miles east of Travis/Bastrop County line in Cedar Creek, Bastrop County, Texas. All design and construction work will be provided by the donor, its consultant or its contractor. The estimated value of the donation is \$330,000.00, which includes payment for all state direct costs associated with the review, oversight, and inspection of the work that is on the state right of way.	\$330,000.00	10/05/2020
2.	DGOGNewbadentx 011619, LLC	Bryan District	Robertson	The donor is donating the fixed amount of \$63,571.00 to cover the state's cost to construct a left turn lane on US 79 adjacent to the donor's property located in New Baden, Robertson County, Texas. All design and construction work will be provided by the state, its consultant or its contractor. The state will include the construction work as part of project under CSJ# 0205-02-067.	\$63,571.00	10/13/2020
3.	DGOGNewbadentx 011619, LLC	Bryan District	Robertson	The donor is donating the design and construction of two traffic control signs on US 79 near the donor's property located in New Baden, Robertson County, Texas. All design and construction work will be provided by the donor, its consultant or its contractor. TxDOT will maintain the two traffic control signs after construction is complete. The estimated value of the donation is \$10,000.00.	\$10,000.00	10/13/2020

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	DOLLAR AMOUNT	DATE APPROVED
4.	Greenview Development 973, L.P.	Austin District	Travis	The donor is donating the design and a fixed amount of \$485,124.11 towards the state's cost to construct roadway improvements at the intersections of FM 973 at US 290, FM 973 at Ring Rd., and FM 973 at Old Hwy 20/ Loop 212 to include; 1) the addition of northbound and southbound left turn lanes at the intersection of FM 973 at US 290; 2) traffic signal modifications and pedestrian crosswalk at US 290; 3) traffic signal installation, re-striping, and pedestrian crosswalk at Ring Rd; 4) and to include the addition of southbound right turn lane and pedestrian crosswalk at Old Hwy 20/Loop 212. Modifications include pavement widening, striping, signage and drainage improvements in Manor, Travis County, Texas. All design work will be provided by the donor, its consultant or its contractor. The estimated value of the design is \$62,221.89. All construction work will be provided by the state. This project will be part of a current TXDOT project under CSJ #1200-02-033. The estimated value of the donation is \$547,346.00, which includes payment for all state direct costs associated with the review, oversight, and inspection of the work that is on the state right of way.	\$547,346.00	10/02/2020
5.	Griffin Trail Wind, LLC	Childress District	Knox	The donor is donating an amount sufficient to cover the state's estimated cost to repair roadway damages due to increased wind farm construction traffic caused by the donor, Griffin Trail Wind, LLC in Knox County, Texas. The roadways affected by this wind farm construction traffic are FM 267, 4 miles south of US 82, and FM 266, 3 miles south of US 82 in Knox County. The donation will reimburse the state for labor, equipment, and material costs during the wind farm construction in Knox County. The estimated value of the donation is \$100,000.00.	\$100,000.00	10/13/2020

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	DOLLAR AMOUNT	DATE APPROVED
6.	MCMB Commercial Properties, LLC	San Antonio District	Bexar	The donor is donating the design and construction to extend physical gore for Exit 167B on southbound IH 35 in San Antonio, Bexar County, Texas. All design and construction work will be provided by the donor, its consultant, or its contractor. The estimated value of the donation is \$12,000.00, which includes payment for all state direct costs associated with the review, oversight, and inspection of the work that is on the state right of way.	\$12,000.00	10/18/2020
7.	Mosaic Development LLC	San Antonio District	Bexar	The donor is donating the design and construction for widening of a section of SL 13 (W.W. White Rd) at SS 117 (W.W. White Rd) to accommodate a left turn deceleration lane into Thea Meadows development in San Antonio, Bexar County, Texas. All design and construction work will be provided by the donor, its consultant, or its contractor. The estimated value of the donation is \$150,000.00, which includes payment for all state direct costs associated with the review, oversight, and inspection of the work that is on the state right of way.	\$150,000.00	10/06/2020
8.	Niazi Family Investments, Ltd.	Houston District	Harris	The donor is donating the design and construction of a right turn deceleration lane and extension of an existing concrete gore from southbound Beltway 8 feeder road into the donor's development in Houston, Harris County, Texas. All design and construction work will be provided by the donor, its consultant or its contractor. The estimated value of the donation is \$72,000.00.	\$72,000.00	10/13/2020
9.	Park 8Ninety Phase V, LP	Houston District	Fort Bend	The donor is donating the design and construction of a right turn/deceleration lane from eastbound US HWY 90 ALT into the donor's development in Missouri City, Fort Bend County, Texas. All design and construction work will be provided by the donor, its consultant, or its contractor. The estimated value of the donation is \$100,000.00.	\$100,000.00	10/16/2020

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	DOLLAR AMOUNT	DATE APPROVED
10.	QT South, LLC	San Antonio District	Medina	The donor is donating the design and construction of upgrade of signal by upgrading the radar detection, relocating one of the existing signal poles to accommodate for the proposed driveway on SH 173 in Devine, Medina County, Texas. The work will also include an additional intersection signing, and some pedestrian elements to the intersection on SH 173. All design and construction will be performed by the donor, its consultant and its contractor. The estimated value of the donation is \$60,000.00. <i>(Replaces previously acknowledged for QuikTrip Corporation on 10/29/2020 due to a change in donor.)</i>	\$60,000.00	10/20/2020
11.	Texas DPS Troopers Foundation, Inc.	Traffic Safety Division	Freestone County	The donor is donating the fixed sum of \$4,416.00 to design, fabricate, and install two memorial highway designation signs on the portion of US 84 within Freestone County, designated as the Trooper Damon Allen Memorial Highway within Freestone County, Texas. The design, fabrication, and installation of the signs will be performed by the state.	\$4,416.00	10/05/2020
12.	The 100 Club of Central Texas	Traffic Safety Division	Bell	The donor is donating the fixed sum of \$24,168.64 to design, fabricate, and install two memorial highway designation signs on the portion of IH 35 between Mile Marker 294 and Mile Marker 297, designated as the Trooper Tom Nipper Memorial Highway within Bell County, Texas. The design, fabrication, and installation of the signs will be performed by the state.	\$24,168.64	10/07/2020

EXHIBIT B
DONATIONS
November 12, 2020

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION
1.	Total Men's Primary Care	Dallas	Collin	The donor is donating 1 mile of litter pick up per month for 2 years under the Sponsor A Highway Program.
2.	Bell & Crocker LLC dba Bell Dental	Houston	Brazoria	The donor is donating 1 mile of litter pick up per month for 2 years under the Sponsor A Highway Program.
3.	Radiant Dermatology & Aesthetics, PLLC	Houston	Harris	The donor is donating 2 miles of litter pick up per month for 8 months under the Sponsor A Highway Program.
4.	Candlelight Coffeehouse, Inc	San Antonio	Bexar	The donor is donating 2 miles of litter pick up per month for 2 years under the Sponsor A Highway Program.